

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEURIG, INCORPORATED,

Plaintiff,

v.

KRAFT FOODS GLOBAL, INC.,  
TASSIMO CORPORATION, and  
KRAFT FOODS INC.,

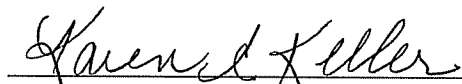
Defendants.

Civil Action No. 07-017 GMS

**KEURIG, INCORPORATED'S  
NOTICE OF RULE 45 SUBPOENA**

PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, on March 8, 2008, Plaintiff, Keurig, Incorporated served a Subpoena in the form appended hereto for an oral deposition on Roger Deromedi.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



John W. Shaw (No. 3362)

Karen E. Keller (No. 4489)

The Brandywine Building

1000 West Street, 17th Floor

Wilmington, DE 19801

(302) 571-6600

[kkeller@ycst.com](mailto:kkeller@ycst.com)

*Attorneys for Plaintiff, Keurig, Incorporated*

Of Counsel:

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Michael N. Rader  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Ave.  
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(617) 646-8000  
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mrader@wolfgreenfield.com

Dated: March 19, 2008

AO88 (Rev. 12/07) Subpoena in a Civil Case		
Issued by the UNITED STATES DISTRICT COURT		
NORTHERN DISTRICT OF ILLINOIS		
KEURIG, INCORPORATED,  Plaintiff,  v.  KRAFT FOODS GLOBAL, INC., TASSIMO CORPORATION, and KRAFT FOODS INC.,  Defendants.		SUBPOENA IN A CIVIL CASE  Case No: 07-017 GMS Northern District of Illinois
TO:	ROGER DEROMEDI 900 Illinois Rd. E, Lake Forest, IL 60045	

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF TESTIMONY Doubletree Hotel Chicago O'Hare Airport-Rosemont 5460 North River Road Rosemont, IL 60018	COURTROOM
	DATE AND TIME March 24, 2008 11:00AM (CST)

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, by the date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR <i>Laura Topper</i>	DATE 3/6/08
ISSUING OFFICER NAME, ADDRESS AND PHONE NUMBER Laura Topper, Esq., BBO# 652364 Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, Massachusetts 02210-2206 617.646.8000	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e) as amended on December 1, 2007 on next page)

## AO88 (Rev. 12/07) Subpoena in a Civil Case

## PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007:

## (c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

## (d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making

the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

AO88 (Rev. 12/07) Subpoena in a Civil Case

## PROOF OF SERVICE

SERVED	DATE	PLACE
Roger Deromedi	03-07-2008	900 E. ILLINOIS RD. LAKE FOREST, IL.
SERVED ON (PRINT NAME)		MANNER OF SERVICE
Roger Deromedi		Personal
SERVED BY (PRINT NAME)		TITLE
PATRICK RICHARDSON IL. Lic. 115-001937		Private Detective

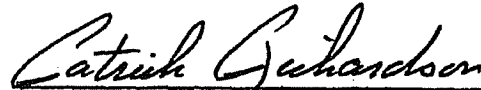
## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

03-08-2008

DATE



SIGNATURE OF SERVER IL. Lic. 117-001352

Absolute Investigative Solutions, Inc.  
100 S. ARLINGTON RD. UNIT 116-198

ADDRESS OF SERVER

GRAYS LAKE, IL. 60030  
847-548-4906

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## AFFIDAVIT OF SERVICE

STATE OF: ILLINOIS

COUNTY OF: LAKE

*UNITED STATES OF AMERICA*

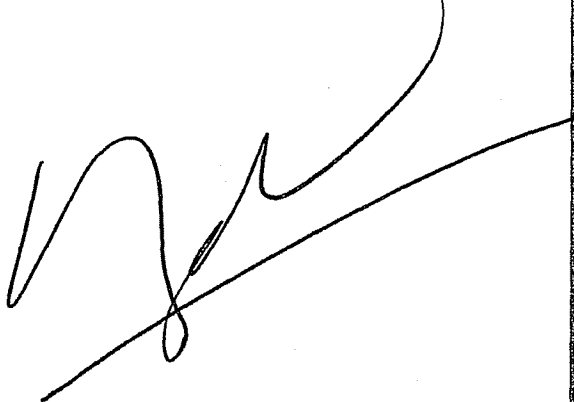
I, *Patrick Richardson*, being duly sworn on oath, state that I am an employee of a licensed private detective agency, ABSOLUTE INVESTIGATIVE SOLUTIONS, INC. License : #117-001352, and pursuant to 725 ILCS 125/7, I affected service as follows:

- ☐ **PERSONAL** – by leaving a true copy of the attached document with each individual Defendant personally.
- ☐ **ABODE** – By leaving a true copy of the listed document at the usual place of abode of each individual defendant with a person of his family or a person residing at the abode, of the age of 13 years or older, informing that person of the contents, and also by sending a copy of the document in a sealed envelope with postage fully prepaid and addressed to each defendant at their usual place of abode.
- ☐ **CORPORATION** – By leaving a true copy of the complaint with the registered agent, officer or agent of each defendant corporation.
- ☐ **OTHER** –

### TYPE OF DOCUMENT

**DOCUMENTS:** Civil Action No.: 07-017- GMS (Keurig vs. Kraft Foods Global, Inc. et al.  
Cover letter date 03-06-2008.  
Subpoena in a Civil Case.  
Witness Fee check #1105 in the amount of \$65.22.

### DETAILS OF SERVICE

1. **NAME OF RESPONDENT:** Roger Deromedi
  2. **NAME OF PERSON DOCUMENT GIVEN TO:**
  3. **CORPORATION SERVED:** n/a
  4. **TITLE/POSITION:** n/a
  5. **SEX: RACE: AGE: HAIR: WEIGHT: HEIGHT:**
  6. **ADDRESS SERVED:**
  7. **DATE OF SERVICE: TIME OF SERVICE:**
  8. **DATE COPY MAILED:**
  9. **COMMENTS:**
- 

*Notary Stamp*

*Signature of Process Server: Patrick Richardson*  
(847) 548-4906

*Illinois, Department Of Professional Regulation: 115-001937*

*Subscribed and sworn to before me this*

*day of*

*Signature of Notary*  
2008





**CERTIFICATE OF SERVICE**

I, Karen E. Keller, Esquire, hereby certify that on March 19, 2008, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using CM/ECF which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Richard L. Horwitz, Esquire  
*rhorwitz@potteranderson.com*  
David E. Moore, Esquire  
*dmoore@potteranderson.com*  
Potter Anderson & Corroon LLP  
Hercules Plaza  
1313 North Market Street, 6th Floor  
Wilmington, Delaware 19801

Additionally, I hereby certify that on March 19, 2008, copies of the foregoing document were served by hand delivery and email on the above-listed counsel of record and on the following non-registered participants in the manner indicated below:

**BY E-MAIL**

David Schlitz, Esquire  
*david.schlitz@bakerbotts.com*  
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YOUNG CONAWAY STARGATT & TAYLOR, LLP



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*Attorneys for Plaintiff Keurig, Incorporated*